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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 04/26/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/082,127

Applicant(s)
Takenori Idehara

Examiner
King Y. Poon

Art Unit
2624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 20, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-22, 25-27, 33-35, 37-41, and 56-59 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-22, 25-27, 33-35, 37-41, and 56-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 19-22, 27, 38-41, 56, 58, and 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Blair et al (U.S. Patent # 5,809,265).

Regarding claims 19, 27: Blair et al. teach a machine readable medium (memory of workstation, column 3, line 54) on which is recorded a program (114, column 4, lines 33-38, and column 5, lines 35-36) for selecting a desired image forming apparatus from a plurality of image forming apparatuses (printers, 102, 104, column 3, lines 45-50) connected to a network, (column 3, line 48) the program comprising: a select step for selecting as an output destination one of the image forming apparatuses designated by a user; (user select LJ2, column 5, line 24) a judgment step for judging whether or not the image forming apparatus set at the select step is capable of carrying out printing; (column 5, lines 34-38) and a display step (fig. 7) for displaying on a display installation locations of the image forming apparatuses (additional active connections, column 5, lines 35-40) which are capable of carrying out printing to serve as a substitute (column 5, lines 34-38) for the image forming apparatus set at the select step in case an outcome of the

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judgment formed at the judgment step indicates that the image forming apparatus set at the select step is not capable of carrying out printing (Fig. 7, column 5, lines 15-42).

Regarding claim 20: Blair et al. teach wherein the display step further includes a sub-step for displaying on the display a map of the network (fig. 7) with symbolic marks (LJ2, 4Si, fig. 7) of the image forming apparatuses on the map, with each symbolic mark representing an installation location of respective ones of the image forming apparatus.

Regarding claim 21: Blair et al. teach a step for setting as an output destination an image forming apparatus represented by a corresponding one of the symbolic marks (LJ2, fig. 7) selected by the user (abstract, column 5, lines 1-10).

Regarding claim 22: Blair et al. teach a sub-step for displaying on the display characters (LJ2, fig. 7) describing the name of each of said image forming apparatuses and characters describing a location (foothill 2/2, fig. 7) at which each of the image forming apparatuses is installed.

Regarding claims 38 and 41: Blair et al. teach a machine readable medium (memory of workstation, column 3, line 54) on which is recorded a program (114, column 4, line 33-38) for a network system (column 3, line 48) connecting a plurality of computers and a plurality of input-output apparatuses, (fig. 1) the program comprises: a user name (118, column 4, lines 54-67) displaying step for displaying as items of selection the names of users (the name of the system located in foothill 2/2) regularly using the network system; (118 regularly using the network for communication), a user name selecting step for selecting one of the names displayed

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at the user name displaying step; (fig. 5, column 4, lines 45-67) an input-output apparatus displaying step (fig. 6) for displaying as items of selection only the input-output apparatuses (LJ2, 4si, fig. 6) associated with one of the users (foothill 2/2, fig. 6) with the name thereof selected at user name selecting step; and an input-output apparatus selecting step for selecting as an input-output destination a desired one of the input-output apparatuses displayed at the input-output apparatus displaying step (abstract, column 5, lines 10-40).

Regarding claim 39: Blair et al. teach wherein the user name displaying step further includes a sub-step for displaying the names of the (foothill 2/2, fig. 6) users on a layout diagram along with icons (LJ2, 4si, fig. 6) each representing one of the input-output apparatuses.

Regarding claim 40: Blair et al. teach wherein the program further comprises: a step for creating (column 6, lines 7-21) a plurality of images (LJ2, fig. 7) each showing installation locations of the input-output apparatuses on layers of different levels (fig. 5, fig. 6) forming a hierarchical structure (column 4, lines 45-67) and storing the hierarchical structure; (column 6, lines 7-20); a step for displaying a high level image (fig. 5) on one of the layers at a high level in, the hierarchical structure wherein the high level image shows items of selection; (column 4, lines 60-63) and a step for displaying a low level image (fig. 6) on another one of the layers at a level immediately lower than the high level in the hierarchical structure (column 4, lines 45-67) wherein the low level image (fig. 6) is determined by an item selected (118, column 4, line 62) from the items of selection shown in the high level image.

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Regarding claim 56: Blair et al. teach a program (114, column 4, lines 33-38) that can be read by a computer (column 4, line 36) which has a computer execute the steps of: selecting a first printer, (LJ2, column 6, line 24) as an output destination of image data, from among a plurality of printers (fig. 6) connected to a network; (column 5, line 2) determining whether the first printer is currently available or not; (column 5, lines 35-38) and selecting a second printer (secondary device, column 5, line 37) automatically, (column 5, lines 5-10, column 16, lines 1-8) from a plurality of printers (fig. 6) connected to a network, (column 5, line 2) as a substitute output apparatus (column 5, lines 25-34) in response to the determination that the first printer is not available (column 5, lines 35-40).

Regarding claim 58: Blair et al. teach wherein the second printer selected as a substitute output apparatus exceeds the first printer in function (see higher speed printer, column 5, lines 25-30).

Regarding claim 59: Blair et al. teach wherein the second printer selected as a substitute output apparatus exceeds the first printer in printing speed (see higher speed printer, column 5, lines 25-30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 11, 12, 14, 16, 17, 25, 26, 33-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair et al. (U.S. Patent 5,809,265) in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993).

Regarding claims 9, 25, 33, and 37: Blair teaches a machine readable medium (memory of workstation, column 3, line 54) on which is recorded a program (114, column 4, line 33-38) for selecting a desired input-output apparatus from a plurality of input-output apparatuses (printers, 102, 104, column 3, lines 45-50) connected to a network, (column 3, line 48) the program comprising: a first display step for classifying the input-output apparatuses into a plurality of categories (names 117, column 4, lines 45-67) and displaying the categories on a display as items to be selected; (fig. 4, fig. 5), a second display step (fig. 6) for displaying on said display as items to be selected only the input-output apparatuses (102, fig. 6, column 5, lines 1-40) classified in a category selected by a user (column 5, line 30), and an apparatus specifying means (mouse, column 5, lines 1-10) for selecting a desired one of the input-output apparatuses displayed at the apparatus displaying step and for specifying as an input-output destination the selected input-output apparatus (abstract, column 5, lines 10-40)

Blair does not teach that the displayed categories are different functions.

Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993), teaches to use a display (User Interface, line 17) for allowing users to select different functions

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(selection criteria, attributes, of object to be printed by a capable printer, lines 17-22, and line 29), and from the selected functions, display available printers.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair to: replace the displayed categories with functions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair by the teaching of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) because of the following reason(s): it would have allowed a user to fully automate printer selections for selecting the best fit printer, as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 28-31; and (b) it would have provided users with feedback regarding the availability of printers to print the selected functions as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 6-7.

Regarding claims 14, 26: Blair et al. Teaches a machine readable medium (memory of workstation, column 3, line 54) on which is recorded a program (114, column 4, lines 33-38) for selecting a desired input-output apparatus from a plurality of input-output apparatuses (printers 102, 104, column 3, lines 45-50) connected to a network, (column 3, line 48) the program comprising: a first display step for classifying said input-output apparatuses into a plurality of categories (names 117, column 4, lines 45-67) and for displaying on a display as items of selection the categories; (fig. 4, fig. 5), and a second display step (fig. 6) for displaying on the

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display as items of selection only the input-output apparatuses (102, fig. 6, column 5, lines 1-40) in a category corresponding to thus displayed categories which is selected by a user (column 5, line 30).

Blair does not teach that the displayed categories are different pieces of user identification information (code).

Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993), teaches to use a display (User Interface, line 17) for allowing users to enter different user identification information (code) (user specify selection criteria, line 18) and from the user identification information (user specify selection criteria, line 18), display available printers (lines 17-31).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair to: replace the displayed categories with different pieces of user identification information (code).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair by the teaching of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) because of the following reason(s): it would have allowed a user to fully automate printer selections for selecting the best fit printer, as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 28-31; and (b) it would have provided users with feedback regarding the availability of

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printers to print the selected user identification information, as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 6-7.

Regarding claims 11 and 16: Blair et al. teach wherein the second display step further includes a sub-step for displaying on said display a map of the network (fig. 6) with symbolic marks (LJ2, fig.6) of the input-output apparatuses on the map, with each symbolic mark representing an installation location of respective ones of the input-output apparatuses (fig. 6).

Regarding claims 12 and 17: Blair et al. teach wherein the program further includes a step for setting as an apparatus to be used one of said input-output apparatuses represented by one of the symbolic marks as selected by a user (column 5, lines 20-35).

Regarding claim 34: Blair et al. teach wherein the program further comprises: a step for displaying on the display a layout (fig. 7) image representing locations of the input-output apparatuses; (LJ2, fig. 7) a step for displaying icons (LJ2, fig. 7) as items of selection over the layout image displayed on the display, each icon representing one of the input-output apparatuses at locations corresponding to actual installation locations of the input-output apparatuses; (fig. 7) and a step for selecting as an input-output destination one of the input-output apparatuses represented by an icon selected from the icons (abstract, column 5, lines 10-40).

Regarding claim 35: Blair et al. teach wherein the program further comprises: a step for creating (column 6, lines 7-21) a plurality of images (LJ2, fig. 7) each showing installation locations of the input-output apparatuses on layers of different levels (fig. 5, fig. 6) forming a hierarchical structure (column 4, lines 45-67) and storing the hierarchical structure; (column 6,

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lines 7-20); a step for displaying a high level image (fig. 5) on one of the layers at a high level in, the hierarchical structure wherein the high level image shows items of selection; (column 4, lines 60-63) and a step for displaying a low level image (fig. 6) on another one of the layers at a level immediately lower than the high level in the hierarchical structure (column 4, lines 45-67) wherein the low level image (fig. 6) is determined by an item selected (118, column 4, line 62) from the items of selection shown in the high level image.

5. Claims 10, 13, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair et al. in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) as applied to claim 9 above, and further in view of Sugiyama et al (U.S. Patent # 5,996,029).

Regarding claims 10, and 15: Blair et al. in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) do not teach wherein the second display step includes a sub-step for displaying on the display information indicating whether or not each respective one of the input-output apparatuses is usable.

Sugiyama teaches to display on a display information indicating whether or not each respective one of the input-output apparatuses is usable (column 75, lines 37-41)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair et al. in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) to include: wherein the

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second display step includes a sub-step for displaying on the display information indicating whether or not each respective one of the input-output apparatuses is usable.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair et al. in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) by the teaching of Sugiyama because of the following reason(s): (a) it would have informed the user of knowing which printers are available for printing; and (b) it would have prevented the user from selecting a printer that is not available to print.

Regarding claims 13 and 18: Blair et al. teach wherein the second display step further includes a sub-step for displaying on the display at locations in close proximity to each one of the symbolic marks representing the input output apparatuses (fig. 6).

Blair et al. in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) do not teach displaying information indicating whether or not each of the input-output apparatuses is usable.

Sugiyama teaches to display on a display information indicating whether or not each respective one of the input-output apparatuses is usable (column 75, lines 37-41)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair et al. in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) to include: displaying information indicating whether or not each of the input-output apparatuses is usable.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair et al. in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) by the teaching of Sugiyama because of the following reason(s): (a) it would have informed the user of knowing which printers are available for printing; and (b) it would have prevented the user from selecting a printer that is not available to print.

6. Claims 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair et al. (U.S. Patent 5,809,265) as applied to claim 56 above and further in view of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993).

Regarding claim 57: Blair et al. do not teach wherein the second printer selected is located in closest proximity to the user.

Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) teach to select a printer that is located in closest proximity to the user for printing (lines 15-27)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair et al. to include: the second printer selected is located in closest proximity to the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair et al. by the teaching of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) because of the following

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reason(s): (a) it would have prevented users from selecting an incorrect printer located far away and thereby, preventing the creation of a barrier and inconvenience to the user, as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 6-14; and (b) it would have allowed a user to select the best capable printer as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 28-31.

Response to Arguments

7. Applicant's arguments filed 2/20/2002 have been fully considered but they are not persuasive.

With respect to applicant's argument that Blair does not teach displaying the location of image forming apparatuses which are capable of carrying out printing to serve as a substitute for a selected image forming apparatus set at a select step in case judgement formed at a judgement step indicates that the selected image forming apparatus is not capable of carrying out printing, has been considered.

In reply: Blair column 4, lines 20-40, and column 5, lines 15-40 teaches Saber LAN workstation software together with other software are used to implement displaying locations of image forming apparatuses. The image forming apparatus includes the image forming apparatus that is capable of carrying out printing (second device, column 5, lines 37) to serve as a substitute for a selected image forming apparatus set at a selected step (a print job from the default printer,

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column 5, line 36, i.e., the default printer is originally selected to print the print job) in case judgement (the image forming apparatus is in used or not requires judgement) indicates the selected image forming apparatus is not capable of carries out printing. (Default printer is in use, column 5, lines 37-38, i.e., the image forming apparatus is not capable of printing the print job at the moment the default printer is in use, and the user takes the print job and put in the second device)

With respect to applicant's argument that Blair does not teach displaying a user's name regularly using the network system, has been considered.

In reply: Blair, column 4, lines 50-60 teaches to display names such as Foothill Sierra 2 Bridge which is located in the network system and regularly using the network for communication of data. Therefore, Foothill Sierra 2 Bridge is a user's name regularly using the network system. Moreover, column 4, lines 60-65, teaches the user's name Foothill Sierra 2 Bridge and be selected by an end user.

With respect to applicant's argument that second printer is not automatically selected, has been considered.

In reply: Column 5, lines 5-40, and column 5, lines 5-10, teaches that a second printer is automatically selected (reinitialized) to be used in case the default printer is in use by using virtual connections.

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With respect to applicant's argument that Blair does not teach classifying input-output apparatus into a plurality of categories with different functions and displaying the categories on a display as items to be selected, has been considered.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Blair teaches a first display step for classifying the input-output apparatuses into a plurality of categories (names 117, column 4, lines 45-67) and displaying the categories on a display as items to be selected; (fig. 4, fig. 5), a second display step (fig. 6) for displaying on said display as items to be selected only the input-output apparatuses (102, fig. 6, column 5, lines 1-40) classified in a category selected by a user (column 5, line 30), and an apparatus specifying means (mouse, column 5, lines 1-10) for selecting a desired one of the input-output apparatuses displayed at the apparatus displaying step and for specifying as an input-output destination the selected input-output apparatus (abstract, column 5, lines 10-40)

Blair does not teach that the displayed categories are different functions.

Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993), teaches to use a display (User Interface, line 17) for allowing users to select different functions (selection criteria, attributes, of object to be printed by a capable printer, lines 17-22, and line 29), and from the selected functions, display available printers.

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair to: replace the displayed categories with functions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blair by the teaching of Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) because of the following reason(s): it would have allowed a user to fully automate printer selections for selecting the best fit printer, as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 28-31; and (b) it would have provided users with feedback regarding the availability of printers to print the selected functions as taught by Jackson et al. (IBM Technical Disclosure Bulletin, Vol. 36, No. 09B, September 1993) at lines 6-7.

With respect to applicant's argument that neither Blair nor Jackson suggested using user's identification, has been considered.

In reply: Jackson, lines 15-22, teaches to use a display to specify criteria. From the user's criteria, available printers are displayed. The user's criteria are used by the user to identify (user's identification) user -specified criteria.

8. ACTION IS FINAL

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor Mr. David Moore whose phone number is (703) 308-7452.

April 23, 2002

PRIMARY EXAMINER
GABRIEL GARCIA
Gabriel Garcia